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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,258	11/21/2001	Douglas M. Dillon	PD-970567B	2324

20991 7590 01/10/2006

THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/990,258

Applicant(s)

DILLON, DOUGLAS M.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-56, 102-106, 109-113, 147-150, 160-162, 164 and 165 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 112, 160-162, 164 and 165 is/are allowed.
- 6) ☒ Claim(s) 52-56, 102-106, 109-111, 113, 147-150 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments, filed October 19, 2005 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, the indicated allowability of claims 52-56, 102-106, 109-111, 113 and 147-150 is withdrawn and a new ground(s) of rejection is made in view of Burns in view of Berstis, Venkatraman and Blumenau.

Claim Objections

1. Claim 55 is objected to because the field uniquely identifies the user and therefore must specify the identity of the user, contrary to the claim limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 113 and 147-150 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns et al. (US 2001/0014103) in view of Berstis (US 6,182,122).

2. Regarding claims 113 and 147, Burns discloses an apparatus (fig. 2) that transmits content organized into channels (para. 32, lines 5-11), where a channel's content includes several URL data items (para. 44, lines 1-4). The apparatus comprises a means for scheduling the assembling of a channel's content (fig. 4, step 118), means for assembling the channels content according to the schedule (fig. 4, step 122).

3. However, Burns does not disclose multicasting the packets and receiving usage reports from the receivers. Berstis discloses multicasting packets to several receivers (fig. 1; col. 12, lines 23-33) and receiving usage reports from each receiver (col. 7, lines 18-19), where the usage reports identified which URL data items were accessed from the receiver's memory (col. 7, lines 35-38). The usage report includes a tracking means for counting a number of times the user accesses the URL data items (col. 7, lines 35-39). The web page consists of text and compressed images (col. 9, lines 35-42; note: JPEG). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to multicast content and receive usage reports and individually compress and decompress URL data items in the invention of Burns in order to provide an end user faster access to the web (Berstis, col. 2, lines 43-54) and to provide mixed content for a user (Berstis, col. 1, lines 42-45), respectively.

4. Regarding claims 148-149, Burns in view of Berstis discloses transmitting content organized into channels as in the rejection of claim 113 above. However, Burns in view of Berstis does not specifically disclose determining some data is not stored with a user and requesting the data that is not stored. Although, Burns in view of Berstis discloses a partial downloading of a web page (col. 11, lines 49-57). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to download data not cached in the invention of Burns in view of Berstis in order to retrieve the requested data (Berstis, col. 8, lines 27-32; fig. 6).

5. Regarding claim 150, the multicast network is a satellite network (fig. 6) and the connection is a dial-up modem (para. 9).

Claims 109-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns et al. (US 2001/0014103) in view of Berstis (US 6,182,122) and Venkatraman et al. (US 2001/0034777).

6. Regarding claims 109-111, Burns in view of Berstis discloses transmitting content organized into channels as in the rejection of claim 113 above. However, Burns in view of Berstis does not disclose HTTP GET, PUT or POST command operations for accessing a web server. Venkatraman discloses issuing an HTTP GET, PUT or POST to access a web server (para. 20). Therefore, it would have been obvious to one skilled in the art at the time the invention was made for a web server to be notified that a URL item was accessed by an HTTP command operation in the invention of Burns in view of Berstis in order to communicate data (Venkatraman, para. 19, last three lines)

Claims 52-56 and 102-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns et al. (US 2001/0014103) in view of Berstis (US 6,182,122) and Blumenau (US 2004,0078292).

7. Regarding claims 52 and 102, Burns in view of Berstis discloses transmitting content organized into channels as in the rejection of claim 113 above. However, Burns in view of Berstis does not disclose that the files contain a separate record for each time a data item was delivered to the web browser. Blumenau discloses creating a separate record for each access of a web page (para. 12, lines 5-8; note: hit count). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a separate record each time a data item was delivered to a web browser in the invention of Burns in view of Berstis in order to accurately track a usage (Blumenau, para. 5, lines 1-3; Berstis, col. 3, lines 5-12).

8. Regarding claims 53-56 and 103-106, Burns in view of Berstis discloses that a user is identified according to usage as in the rejection of claim 113 above (note: registration lists).

Allowable Subject Matter

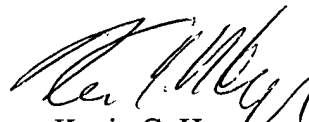
9. Claims 112 and 160-165 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kevin C. Harper

January 9, 2006